1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 NORTHERN DISTRICT OF CALIFORNIA 10 11 ROBERT DABNEY, et al., 12 Plaintiff(s), C09-4116 BZ No. 13 v. PRETRIAL ORDER 14 CITY OF HAYWARD, et al., 15 Defendant(s). 16 17 The pretrial conference in this case was held on January 25, 2011. Plaintiffs Robert Dabney and Bonita Goodman were 18 19 represented at the conference by Gregory Walston, Esq. and Thomas O'Brien, Esq. Defendant City of Hayward was 2.0 21 represented by Rafael Alvarado, Esq. 1 This Order shall control the subsequent conduct of the 22 23 case and be modified only to prevent manifest injustice. See

### 1. LENGTH AND TIME OF TRIAL

Fed. R. Civ. P. 16(e).

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Trial shall begin on Monday, February 14, 2011 at 8:30

Having never been served, the Doe defendants named in plaintiffs' complaint are dismissed.

a.m. in Courtroom G, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102. Trial is scheduled daily from 8:30 a.m. to 1:30 p.m. Plaintiffs shall be prepared to call their witnesses on Monday, February 14, 2011. Each side shall schedule witnesses to avoid any interruption in the presentation of testimony.

The only issue to be tried is whether plaintiffs' constitutional rights were violated when they were deprived of their property rights due to defendant's official policies, practices, or customs. No Doe defendants having been served, they are stricken from the complaint.

### 2. VOIR DIRE

Any objections to the proposed voir dire questions distributed at the conference, or requests for additional questions, shall be filed by **Tuesday**, **February 1**, **2011**.

# 3. EXHIBITS AND EVIDENCE

Prior to the conference, both parties did not submit any exhibits to be used at trial. At the conference, defendant notified the Court that it plans to introduce the 911 tape at trial. Defendant shall make this tape available to plaintiffs as soon as possible.

### 4. JURY INSTRUCTIONS

By Tuesday, February 1, 2011, the parties shall file a joint set of case specific jury instructions consistent with the views expressed by the Court at the conference. Any instructions on which the parties cannot agree may be submitted separately.

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## 5. MISCELLANEOUS

Any party who desires a transcript of the trial must make arrangements with the Court Services Coordinator, Debra Campbell. Any party who needs an interpreter or audio or visual equipment shall make its own arrangements for same and clear all such equipment with court security personnel. The parties are instructed to notify the Court immediately if this action should settle before the commencement of trial. Dated: January 26, 2011

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Bernard Zimmerman

United States Magistrate Judge

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